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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,666	01/14/2000	Robert D. Wilson	BL01134-013	8672

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EXAMINER
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COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/483,666	WILSON, ROBERT D.
	<b>Examiner</b>	<b>Art Unit</b>
	Ella Colbert	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 18 November 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>21 October 2004</u> .	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Claims 1-20 are pending. Claims 1-10, 12, 13, and 17-19 have been amended in this communication filed 11/18/04 entered as Response After Non-Final Action and Request For Extension of Time.
2. The IDS filed 10/21/04 has been reviewed.
3. The 35 USC 101 Rejection has been overcome for claims 1-20 by Applicant's amendment and is hereby withdrawn.
4. The Objection to the Specification has been overcome by Applicant's amendment to the Specification and is hereby withdrawn.
5. The amendment to claims 1, 2, 6-8. and 9-11 has not overcome the Objection to claims 1, 2, 6-8, and 9-11 and still remains as set forth here below.
6. The Title Objection has not been overcome by the amendment because the new title is not descriptive enough and still remains as set forth here below.

***Claim Objections***

7. Claims 1 and 6-8 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 2 and 9-11. When two claims in an application are duplicates or else so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP 706.03(k).

***Title Objection***

8. The title of Applicant's invention is objected to for the following: The title of the invention is not descriptive enough. Applicant's invention includes method claims as

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well as system claims, therefore it is suggested for the title of the invention: "SYSTEM AND METHOD FOR PROVIDING A LOAN TO A TAXPAYER PRIOR TO A PRE-YEAR END TAX REFUND".

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,946,668) George in view of (US 5,138,549) Bern.

With respect to claim 1, George teaches, A system for providing a loan to a taxpayer prior to the end of the current tax year, comprising: historical income tax refund data for said taxpayer, said historical income tax refund data comprising income tax refund amount data for at least one year prior to the current year and in a computer (col. 4, lines 14-31); year-to-date income data for the current year, for said taxpayer, wherein said date is prior to the end of the current tax year and said year-to-date income data is in said computer (col. 4, lines 32-47); year-to-date expense data for the current year, for said taxpayer, wherein said date is prior to the end of the tax current year and said year-to-date expense data is in said computer (col. 4, line 48-col. 5, line 20); a loan provided to said taxpayer prior to the end of said current tax year in an amount based on said estimated income tax refund amount for said current tax year for said taxpayer as determined by said computer; and an income tax refund for said current tax year,

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wherein said income tax refund is based on a tax return prepared and filed after said current tax year for said taxpayer and is applied to the balance of said loan based on said estimated income tax refund (col. 5, lines 21-29).

George failed to teach, a process in said computer for processing said historical income tax refund data, said year-to-date income data, and said year-to-date expense data to determine an estimated income tax refund amount for said taxpayer for said current tax year. Bern teaches, a processor adapted to process said historical tax refund data, said year-to-date income data, and said year-to-date expense data to determine an estimated tax refund amount for said taxpayer for said current tax year (col. 3, lines 1-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a processor adapted to process said historical tax refund data, said year-to-date income data, and said year-to-date expense data to determine an estimated tax refund amount for said taxpayer for said current tax year and to modify in George because such a modification would allow George to have a processing system for tax deposits and accounts of a taxpayer that uses historical data.

With respect to claim 2, this independent claim is rejected for the similar rationale as given above for claim 1.

George failed to teach, a process in said computer for processing said historical income tax refund data and said year to date income data to determine an estimated tax income refund amount for said taxpayer for said current tax year. Bern teaches, a process said historical tax refund data and said year to date income data to determine an estimated tax refund amount for said taxpayer for said current tax year (col. 1, lines

32-42 and col. 3, lines 38-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a process in said computer for processing said historical income tax refund data and said year-to-date income data to determine an estimated income tax refund amount for said taxpayer for said current tax year and to modify in George because such a modification would allow George to have a processing system for tax deposits and accounts of a taxpayer that uses historical data.

With respect to claim 4, this independent claim is rejected for the similar rationale as given above for claims 1 and 2.

George failed to teach, a process in said computer for processing said income information, and said expense information, and said income tax refund amount to determine an estimated income tax refund amount for said taxpayer for said current tax year. Bern teaches, a process said computer for processing said income information, and said expense information, and said income tax refund amount to determine an estimated income tax refund amount for said taxpayer for said current tax year (col. 14, lines 19-36 and fig. 5A (122, 128, and 130). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a process said computer for processing said income information, and said expense information, and said tax refund amount to determine an estimated income tax refund amount for said taxpayer for said current tax year and to modify in George because such a modification would allow George to have a processing system for tax deposits and accounts of a taxpayer that uses historical data.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3, 14, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,946,668) George and (US 5,138,549) Bern in view of (US 6,202,052) Miller.

With respect to claim 3, this independent claim is rejected for the similar rationale as given above for claims 1, 2, and 4. George failed to teach, present job verification data for said taxpayer and a process in said computer for processing said historical income tax refund data and said present job verification data to determine an estimated income tax refund amount for said taxpayer for said current tax year.

Bern teaches, a process in said computer for processing said historical income tax refund data and said present job verification data to determine an estimated income tax refund amount for said taxpayer for said current tax year (col. 7, lines 61-67 and col. 8, lines 1-13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a process in said computer for processing said historical income tax refund data and said present job verification data to determine an estimated income tax refund amount for said taxpayer for said current tax year and to modify in George because such a modification would allow George to have a processing system for tax deposits and accounts of a taxpayer that uses historical data.

Miller teaches, present job verification data for said taxpayer (col. 4, lines 44-50).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the present job verification data for the taxpayer and to modify in George and Bern because such a modification would allow George and Bern to have the electronic tax return information verified by the tax preparer prior to submitting the tax papers electronically to the IRS.

With respect to claim 14, George and Bern failed to teach, The system of claim 3 wherein said present job verification data comprises data for estimating said taxpayer's income for the current year. Miller teaches, The system of claim 3 wherein said present job verification data comprises data for estimating said taxpayer's income for the current year (col. 4, lines 44-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the present job verification data comprises data for estimating said taxpayer's income for the current year and to modify in George because such a modification would allow George to have the electronic tax return information verified by the tax preparer prior to submitting the tax papers electronically to the IRS.

With respect to claims 16 and 20, George failed to teach, The system of claim 4 wherein said income information for the current year is extrapolated based on said taxpayer's income from prior years. Bern teaches, wherein said income information for the current year is extrapolated based on said taxpayer's income from prior years (col. 3, lines 38-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the income information for the current year is

extrapolated based on said taxpayer's income from prior years and to modify in George because such a modification would allow George to have a trend analysis for establishing tax vouchers and the tracking of a depositor's patterns.

With respect to claim 17, George failed to teach, The system of claim 4 wherein said estimated income tax refund amount for said taxpayer is determined in accordance with said taxpayer's withholding rate and taxing authority rates.

Bern teaches, The system of claim 4 wherein said estimated income tax refund amount for said taxpayer is determined in accordance with said taxpayer's withholding rate and taxing authority rates (col. 4, lines 1-15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an estimated income tax refund amount for said taxpayer determined in accordance with said taxpayer's withholding rate and taxing authority rates and to modify in George because such a modification would allow George to have a general estimate of the amount of taxes owed according to a tax chart for withholding tax rates and the tax rate of the state where he lives.

With respect to claim 18, George failed to teach, The method of claim 5 wherein estimating said taxpayer's income tax refund amount comprises completing a trend analysis on said taxpayer's refunds from a plurality of years prior to the current year. Bern teaches, estimating said taxpayer's income tax refund amount comprises completing a trend analysis on said taxpayer's refunds from a plurality of years prior to the current year (col. 2, lines 16-34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to estimate said taxpayer's income tax

refund amount comprises completing a trend analysis on said taxpayer's refunds from a plurality of years prior to the current year and to modify in George because such a modification would allow George to establish a tax and to track the depositor's deposit patterns with the historical data on tax liabilities being accessed by the tax preparer or the IRS.

With respect to claim 19, George failed to teach, The method of claim 5 wherein estimating said taxpayer's income tax refund amount comprises estimating said taxpayer's income for the current year. Bern teaches, wherein estimating said taxpayer's income tax refund amount comprises estimating said taxpayer's income for the current year (col. 1, lines 32-42). It would have been obvious to one having ordinary skill in the art at the time the invention was made to estimate said taxpayer's income tax refund amount comprises estimating said taxpayer's income for the current year and to modify in George because such a modification would allow George to have a period of time from filing of an individual's tax return to the time of receipt of the refund check. An individual's tax refund is always estimated for the current year because the IRS can come back and dispute the amount of tax refund not only in the current year but for at least three to five prior years of refunds.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 5-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,138,549) Bern in view of (US 5,946,668) George.

With respect to claim 5, Bern teaches, A method for providing a loan to a taxpayer prior to the end of the current tax year, said method comprising: determining an income tax refund amount for at least one tax year prior to the current tax year (col. 14, lines 19-36 and fig. 5A (122, 128, and 130).

This independent claim is rejected for the similar rationale as given above for claims 1-4.

With respect to claims 6, 9, and 12, Bern teaches, The system of claim 1 wherein said historical income tax refund data is determined in accordance with a trend analysis (col. 2, lines 16-34).

With respect to claims 7, 10, and 13, Bern teaches, The system of claim 6 wherein said historical tax refund data comprises the amount of said taxpayer's refund for the previous three years (col. 5, lines 20-34 and figs. 1-7).

With respect to claims 8, 11, and 15) Bern teaches, The system of claim 1 wherein said year to date income information for the current year comprises income data for the first three quarters of the year (See abstract, col. 1, lines 6-15, and col. 5, lines 3-33).

#### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Baker (US 6,473,741) disclosed aggregation and exchange of electronic information.

Jones et al (US 6,021,397) disclosed a financial advisory system.

Fleck (US 5,772,251) disclosed an arrangement of recording and collecting federal and state income tax data and related documents.

**Inquiries**

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner normally on a Flexible work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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E. Colbert

January 26, 2005